

Notice of Allowability

Application No.

09/078,853

Applicant(s)

TAKAHASHI ET AL.

Examiner

Reuben M. Brown

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/16/2007.
2. ☒ The allowed claim(s) is/are 15-20, renumbered as 1-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>2/21/06</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It incorrectly identifies a foreign application for patent or inventor's certificate (Japan 8-334798, 11/29/1996), on which priority is claimed pursuant to 37 CFR 1.55. It is noted that a Corrected Filing Receipt was requested (1/15/1999), requesting the deletion of the Foreign Priority claim, which was claimed in the Oath. A new BIB data sheet is in the present application, in which the instant Foreign Priority Application has been deleted. However, a new Oath is required, which does not claim the instant Foreign Priority Application.

Allowable Subject Matter

2. Claims 15-20 are allowed over prior art of record. Appellant's arguments on pages 8-11 were found to be persuasive. Prior art of record does not read on the combination of steps as recited in claims 15 & 17. In particular, appellant concedes that the genre taste value corresponds with the value *sf*, found in Herz, in so much as the satisfaction factor *sf* provides a value for determination of how well a program fits within parameters specified by the user.

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However, it is argued that some of the components that make up the claimed genre taste value, are not disclosed in Herz in a manner that meets the claimed language, namely the claimed feature of the time variable coefficient being determined by linear interpolation on the basis of the request time **and** defining a value for said life-scene/time function, is not taught by the reference. Examiner concurs that these limitations are not explicitly found in Herz.

Prior art of record does not teach the combination of elements recited in the claim 15, namely, an information retrieval method, comprising the steps of:

‘forming a general user model based on statistical data obtained by audience research on the actions of a plurality of users; such that the general user study model has general user selection taste data, wherein the statistical data including audience rating data for each of a plurality of genres, a plurality of life-scenes, and wherein each user is classified according to various characteristics, including at least age, sex, and life-stage;

inputting a user profile for a specific user;

forming an initial user model for the specific user based on the general user selection data and the user profile;

forming a study user model on the basis of the initial user model and an information selection history for the specific user;

‘retrieving information suiting the specific user based on the user study model by calculating a genre taste value based on a request time for an electronic program guide (EPG);

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such that the genre taste value is calculated using a life-scene/time function representing a relationship between the life-scene corresponding to the request time and a time variable coefficient, whereas the time-variable coefficient being determined by a linear interpolation on the basis of the request time and defining a value for the life-scene/time function; and rearranging and displaying the EPG based on a genre priority table formed using the retrieved information and calculated genre taste value; wherein the general user selection taste data is dispersed data, such that it is interpolated into continuous data by an interpolation method specified by an interpolation control identification key.

Claim 17 is means plus function with elements that correspond with claim 15, and is thus likewise treated.

Claims 16 & 18-20, depend from allowable independents claims, and are thus allowable for at least the same reasons.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
REGISTERED EXAMINER